

Remarks

In the Office action mailed February 23, 2005, claims 1 and 6 were rejected under 35 U.S.C. § 103(b) as being anticipated by the admitted prior art shown in Fig. 2 of the application.

Claim 1 is written as a combination with one of its elements recited in means-plus-function form. 35 U.S.C. § 122, paragraph six requires that the recited means element be construed in a particular way, namely as it relates to corresponding structure set forth in the specification. As seen in Fig. 1 and the accompanying description, which represents an exemplary embodiment of the invention, the recited "electronic switching means" most closely corresponds to the structure identified with reference numerals 17-23, while the structural features identified with reference numerals 25-29 most closely correspond to the "voltage level maintaining means" recited in dependent claim 2. A comparison of Fig. 2 (prior art) with Fig. 1, demonstrates that the admitted prior art does not have the structural features 17-23 corresponding to the claims "electronic switching means" of claim 1. Rather, the prior art structure has a completely different and non-equivalent structure for performing the switching function of the voltage clamp, which in the present invention has been weakened into an optional voltage level maintaining means. (Note that during power-up, the state of the transistor 33 in Fig. 2 is itself dependent upon the input level via NAND gate output 25, as seen in Fig. 4A.) Accordingly, claim 1, as properly construed under the statute, is not anticipated by the prior art. Likewise, dependent claim 6 is not anticipated. The rejection is believed to be traversed.

Claims 2-5 were objected to as dependent upon a rejected base claim, but was indicated to be deemed otherwise allowable if rewritten into independent form. Claim 7 was

allowed. Applicant thanks the Examiner for this indication. In view of arguments made above with respect to the base claim 1, Applicant declines to rewrite claims 2-5 at this time.

Applicant requests reconsideration in light of the arguments made herein. A Notice of Allowance is earnestly solicited.

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signed: Sally Azevedo
Typed Name: Sally Azevedo

Date: May 2, 2005

Respectfully submitted,

Mark Protsik

Mark Protsik

Reg. No. 31,788

P.O. Box 2-E

San Jose, CA 95109-0005

(408) 297-9733